

ASSEMBLY BILL

No. 1368

Introduced by Assembly Member Nunez

February 22, 2005

An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1368, as introduced, Nunez. State employees: memoranda of understanding.

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of memoranda of understanding entered into between the state employer and State Bargaining Units 11, 14, and 15, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memoranda of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for these provisions are not specifically appropriated by the Legislature.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that the
2 purpose of this act is to approve agreements pursuant to Section
3 3517 of the Government Code entered into by the state employer
4 and recognized employee organizations.

5 SEC. 2. The provisions of the memoranda of understanding
6 prepared pursuant to Section 3517.5 of the Government Code
7 and entered into by the state employer and the following
8 employee organizations, and that require the expenditure of
9 funds, are hereby approved for the purposes of Section 3517.6 of
10 the Government Code:

11 (a) State Bargaining Unit 11, Service Employees International
12 Union, Local 1000 .

13 (b) State Bargaining Unit 14, Service Employees International
14 Union, Local 1000.

15 (c) State Bargaining Unit 15, Service Employees International
16 Union, Local 1000.

17 SEC. 3. The provisions of the memoranda of understanding
18 approved by Section 2 of this act that are scheduled to take effect
19 on or after July 1, 2005, and that require the expenditure of
20 funds, shall not take effect unless funds for these provisions are
21 specifically appropriated by the Legislature. If funds for these
22 provisions are not specifically appropriated by the Legislature,
23 the state employer and the affected employee organization shall
24 meet and confer to renegotiate the affected provisions.

25 SEC. 4. Notwithstanding Section 3517.6 of the Government
26 Code, the provisions of any memorandum of understanding
27 included in Section 2 that require the expenditure of funds shall
28 become effective even if the provisions of the memorandum of
29 understanding are approved by the Legislature in legislation
30 other than the annual Budget Act.

31 SEC. 5. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety
33 within the meaning of Article IV of the Constitution and shall go
34 into immediate effect. The facts constituting the necessity are:

1 In order for the provisions of this act to be applicable as soon
2 as possible in the 2005–06 fiscal year, and thereby facilitate the
3 orderly administration of state government at the earliest possible
4 time, it is necessary that this act take effect immediately.

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